RULES AND ORDERS UNDER ACT XV OF 1865.

PARSI MARRIAGE AND DIVORCE.

APPOINTMENT OF REGISTRARS OF PARSI MARRIAGES.

Judicial Notn., dated 5th July 1867, B. G. G., 1867, Pt. I, p. 50.

In supersession of former orders on the subject of the appointment of Registrars for the purposes of Act XV of 1865, all the Sub-Registrars appointed under Act XX of 1866, Act for the Registration of Assurances [1] are appointed Registrars of Parsi Marriages under Act XV of 1865, Section 7.

APPOINTMENT OF REGISTRARS OF PARSI MARRIAGES IN THE SETTLEMENT OF ADEN.

Judicial Notn., No. 4415, dated 19th June 1884, B. G. G., 1884, Pt. I, p. 464.

His Excellency the Right Honourable the Governor in Council is pleased to declare that for the purposes of Act XV of 1865 the Sub-Registrar (under Act III of 1877) of Aden shall be the Registrar of Parsi Marriages in that Settlement under Section 7 of Act XV of 1865.

ORDER CONSTITUTING PARSI CHIEF MATRIMONIAL COURT IN BOMBAY AND DISTRICT COURTS IN SURAT AND POONA AND THEIR LIMITS.

Judicial Notn., dated 30th August 1865, B. G. G., 1865, Vol. II, p. 486.

The Honourable the Governor in Council of Bombay is pleased to notify, under the provisions of Act XV of 1865, Sections 15 and 18, that the Párs Chief Matrimonial Court of Bombay has been constituted in the Presidency Town of Bombay and that Párs District Matrimonial Courts have been constituted in the towns of Surat and Poona, respectively.

The local limits of the Jurisdiction of the Párs District Matrimonial Court of Surat include the Districts of Surat and Ahmedabad.

The local limits of the Jurisdiction of the Párs District Matrimonial Court of Poona include the Districts of Poona, Ahmednagar, Sátára and Kaládgi (*now Sholápur-Bijápur*).

* * * * * *

The District Registrars at Surat and Poona, appointed under Act XVI of 1864,[1] have been appointed also Registrars for the purposes of Act XV of 1865 under provisions of Section 7.

The names of persons to be Delegates to aid in the adjudication of cases in the Parsi District Matrimonial Courts of Surat and Poona will be published hereafter.

---

(1) Now Act XVI of 1908 (Indian Registration Act).

ORDER CONSTITUTING PARSI DISTRICT MATRIMONIAL COURT FOR SIND.

Judicial Notn., dated 19th July 1865, B. G. G., 1865, Vol. II, p. 151.

Under the provisions of Section 17 of Act XV of 1865, the Honourable the Governor in Council is pleased to constitute the District Court of Karáchi as the Párs̀i District Matrimonial Court for the Province of Sind, and to notify that the local limits of the jurisdiction of that Court will be conterminous with those of the Province of Sind.

The Deputy Registrar appointed under Act XVI of 1864[1] is appointed Registrar of Párs̀i Marriages in Sind, under Section 7 of the Párs̀i Marriage and Divorce Act, 1865.

SETTLEMENT OF ADEN AND ITS DEPENDENCIES TO BE INCLUDED WITHIN THE JURISDICTION OF THE PARSI CHIEF MATRIMONIAL COURT OF BOMBAY.

Notn. No. 2046A, Judicial, dated 11th April 1891, B. G. G., 1891, Pt. 1, p. 337.

The Governor in Council is pleased to direct, under Section 19 of Act XV of 1865 (an Act to define and amend the law relating to Marriage and Divorce among the Párs̀is), that [a] the Settlement of Aden and its dependencies shall be included within the jurisdiction of the Párs̀i Chief Matrimonial Court of Bombay.[a]

RULES FOR THE PARSI CHIEF AND DISTRICT MATRIMONIAL COURTS.

High Court Notn., dated 1st September 1865, B. G. G., 1866, Vol. II, p. 1025.

Rules and Regulations for the Párs̀i Chief and District Matrimonial Courts in the Presidency of Bombay:—

1. All proceedings shall be regulated by the provisions of the Code of Civil Procedure, save so far as such provisions may be varied or modified by the following rules.

2. In cases when the plaintiff is seeking for a decree of nullity of marriage, the plaint shall state that no collusion or connivance exists between the plaintiff and the other party to the marriage or alleged marriage, and in

---

(1) Now Act XVI of 1908.

[a—a] These words were substituted for the original words by Govt. Notn. No. 3378, Judicial, dated 24th June 1891, *B. G. G.*, 1891, Pt. I, p. 515.

cases of dissolution of marriage on the grounds of adultery, that no collusion or connivance exists between the plaintiff and the person alleged to have committed adultery.

(*A form of Plaint is given, No. I in the Schedule*)

3. The defendant shall in all cases put in a written statement of his (*or her*) case, and of his or her answer to the material allegations in the plaint, and shall file the same ten days at the least before the day appointed for the hearing of the suit.

(*A form of written statement is given, No. II in the schedule.*)

No statement shall be received after such period without special order of the Court; in default, the Court shall be empowered to proceed *ex parte* on the day appointed for hearing the suit.

4. All plaints, written statements, petitions, and all responsive allegations must be duly verified, and must be duly stamped pursuant to the provisions of Section 39 of Act XV of 1865, or they will not be received or filed.

5. In cases involving a decree of nullity of marriage, or a decree of judicial separation, or of dissolution of marriage, the defendant shall, in the written statement and answer, state that there is not any collusion or connivance between the defendant and the other party to the marriage.

6. When an answer admitting the fact of a marriage between the parties has been filed, and the husband has appeared in the suit, the wife may proceed to file an *application* for *alimony*, in substance according to the Form III and a day shall be fixed for hearing such application.

7. After an application for alimony has been filed, a copy thereof shall be served forthwith upon the husband, and within fifteen days after such service he shall file his answer thereto, which shall be subscribed and verified in the manner provided for subscribing and verifying plaints, or in default the Court will proceed *ex parte*.

8. After the answer of the husband has been filed, the wife may apply to the Court to decree her alimony *pendente lite*, provided that the wife shall, four days before she so moves the Court, give notice to her husband or to his agent or pleader of her intention so to do.

9. The wife, subject to any order as to costs, may, if not satisfied with the husband's answer, apply to have a day fixed for hearing such application when witnesses may be examined in support of and against such application for alimony.

10. A wife who has obtained a decree of judicial separation in her favour and has previously filed her application for alimony, may, unless in cases when an appeal to the full Court is interposed, move the Court to decree her permanent alimony; provided that she shall, eight days at least before making any such application, give notice to the hasband, his agent, or to his pleader, of her intention so to do.

FORM OF PLAINT FOR DIVORCE.

To

THE JUDGE OF THE PARSI CHIEF MATRIMONIAL COURT.

A. B.

vs.

C. B. (*and R. S. as the case may be*).

The *day of* *186* .

1. That the plaintiff was on the day of 186 lawfully married to *C. B.* at

2. That after his said marriage the plaintiff lived and cohabited with his said wife at and at , and that the plaintiff and his said wife have had issue of their said marriage, three children, one son and two daughters (*as the case may be*).

3. That on the of 186 and other days between that day and the said *C. B.* defendant, in the committed adultery with *R. S.*

4. That in and during the months of January, February, and March 186 the said *C. B.* defendant, frequently met the said *R. S.* at and on divers such occasions committed adultery with the said *R. S.*

5. That there is not any collusion or connivance whatever between the plaintiff and the said defendant *C. B.* and *R. S.*, or either of them in respect of this suit.

The plaintiff, therefore, prays that your Lordship will proceed to decree (*here state the relief sought*) and that plaintiff have further and other relief in the premises as to your Lordship may seem meet.

No. II.

FORM OF ANSWER.

IN THE PARSI CHIEF MATRIMONIAL COURT.

The *day of* *186*

A. B.

vs.

C. B.

1. The defendant *C. B.* by *P. A.* his Pleader, Agent, (*or in person*) saith that she denies that she committed adultery with *R. S.* as is set forth in the said plaint.

2. The defendant further saith that on the day of 186 and on other days between that day and , the said *A. B.* the plaintiff, at , committed adultery with *X. Y.*, being a married woman, &c.

(*In like manner the defendant is to state connivance, condonation or other matters which may be relied on as a ground for dismissing the petition.*)

3. The defendant further saith that she is not colluding or conniving with the plaintiff that he may obtain a decree in this suit, wherefore this defendant humbly prays—

That your Lordships will be pleased to reject the prayer of the said plaint and decree, &c., &c.

No. III.

APPLICATION FOR ALIMONY.

To

THE JUDGE OF THE PARSI CHIEF MATRIMONIAL COURT.

C. B.

vs.

A. B.

The day of 186

The Application of *C. B.*, defendant, the lawful wife of *A. B.*, showeth—

1. That the said plaintiff *A. B.* has for many years carried on the business of at and from such business derives the net annual income of Rs.

2. That the said plaintiff *A. B.* holds shares of the Railway Company amounting in value to Rs. and yielding a clear annual dividend to him of Rs.

3. That the said plaintiff *A. B.* is possessed of made in his said business of to the value of Rs.
(*and so on for any other property, moveable or immoveable, the husband may possess*).

The defendant, therefore, humbly prays that your Lordship will be pleased to allow her such sum or sums of money by way of alimony *pendente lite* (*or permanent alimony*) as to your Lordship shall seem meet.

RULES AND REGULATIONS FOR THE PARSI CHIEF MATRIMONIAL COURT IN THE PRESIDENCY OF BOMBAY.

High Court Notn. dated 10th September 1900, B. G. G., 1900, Pt. I, p. 2000.

The following Rules and Regulations for the Parsi Chief Matrimonial Court in the Presidency of Bombay are published for general information :—

1. All proceedings shall be regulated by the provisions of the Code of Civil Procedure, save so far as such provisions may be varied or modified by the following rules.

2. In cases when the plaintiff is seeking for a decree of nullity of marriage, the plaint shall state that no collusion or connivance exists between the plaintiff and the other party to the marriage or alleged marriage, and in

cases of dissolution of marriage on the grounds of adultery, that no collusion or connivance exists between the plaintiff and the person alleged to have committed adultery.

(*Forms of Plaints are given, Nos. I and III in the Schedule.*)

3. The Summons to the defendant shall require him (or her) to put in a written statement of his (or her) case, and of his or her answer to the material allegations in the plaint and to file the same ten days at the least before the day appointed for the hearing of the suit.

(*Forms of written Statements are given, Nos. II and IV in the Schedule.*)

No statement shall be received after such period without special order of the Court; in default, the Court shall be empowered to proceed *ex parte* on the day appointed for hearing the suit.

4. All plaints, written statements, petitions and all responsive allegations must be duly verified and must be duly stamped pursuant to the provisions of Act VII of 1870, or they will not be received or filed.

5. In cases involving a decree of nullity of marriage or a decree of judicial separation, or of dissolution of marriage, the defendant shall, in the written statement, state that there is not any collusion or connivance between the defendant and the other party to the marriage.

6. When a written statement admitting the fact of a marriage between the parties has been filed, and the husband has appeared in the suit, the wife may proceed to file an application for alimony, in substance according to the Form V, and a day shall be fixed for hearing such application.

7. After an application for alimony has been filed, a copy thereof shall be served forthwith upon the husband, and within fifteen days after such service he shall file his answer thereto, which shall be subscribed and verified in the manner provided for subscribing and verifying plaints, or in default the Court will proceed *ex parte*.

8. After the answer of the husband has been filed, the wife may apply to the Court to decree her alimony *pendente lite*, provided that the wife shall, four days before she so moves the Court, give notice to her husband or to his agent or pleader of her intention to do so.

9. The wife, subject to any order as to costs, may, if not satisfied with the husband's answer, apply to have a day fixed for hearing such application when witnesses may be examined in support of and against such application for alimony.

10. A wife, who has obtained a decree of judicial separation in her favour and has previously filed her application for alimony, may, unless in cases when an appeal is interposed, move the Court to decree her permanent alimony; provided that she shall, eight days at least before making any such application, give notice to the husband, his agent, or to his Pleader, of her intention so to do.

11. The Court may receive in evidence and act upon affidavit produced in support of, or in opposition to, any interlocutory application or motion.

12. Such affidavits may be made before any Commissioner for taking affidavits at the Original Side or before the Registrar or Deputy Registrar at the Appellate Side of the High Court.

SCHEDULE.

No. I.

Form of Plaint for Dissolution of Marriage.

To

THE JUDGE OF THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY.

A. B.

vs.

C. B. (and *R. S.* as the case may be).

The day of 1900.

1. That the plaintiff was on the day of 1900 lawfully married to *C. B.* at

2. That after his said marriage the plaintiff lived and cohabited with his said wife at and at , and that the plaintiff and his said wife have had issue of their marriage three children, one son and two daughters (as the case may be).

3. That on the of and other days between that day and the said *C. B.*, defendant, at in the committed adultery with *R. S.*

4. That in and during the months of January, February and March the said *C. B.*, defendant, frequently met the said *R. S.* at , and on divers such occassions committed adultery with the said *R. S.*

5. That there is not any collusion or connivance whatever between the plaintiff and the said defendant *C. B.* and *R. S.*, or either of them, in respect of this suit.

The plaintiff therefore prays that your Lordship will proceed to decree (here state the relief sought), and that plaintiff have further and other relief in the premises as to your Lordship may seem meet.

No. II.

Form of Answer to No. I.

The day of 1900.

A. B.

vs.

C. B.

1. The defendant *C. B.* by *P. A.* his Pleader, agent (or in person) saith that she denies that she committed adultery with *R. S.* as is set forth in the said plaint.

2. The defendant further saith that on the day of 1900 and on other days between that day and the said *A. B.*, the plaintiff, at committed adultery with *X. Y.*, being a married woman, &c.

(In like manner the defendant is to state connivance, condonation, or other matters which may be relied on as a ground for dismissing the petition.)

3. The defendant further saith that she is not colluding or conniving with the plaintiff that he may obtain a decree in this suit: wherefore this defendant humbly prays that your Lordship will be pleased to reject the prayer of the said plaint and decree, &c.

No III.

Form of Plaint for Decree of Nullity of Marriage.

To

THE JUDGE OF THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY.

A. B.

vs.

C. D.

The day of 1900.

1. That the plaintiff, then a spinster, was on the day of 1900, married in fact, though not in law, to the defendant, then a bachelor, at

2. That from the said day of 1900 until the day of 1900 the plaintiff lived and cohabited with the defendant at divers places, and particularly at aforesaid.

3. That the said defendant has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of the plaintiff's said pretended marriage, the said defendant was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between the plaintiff and the said defendant with respect to the subject of this suit.

The plaintiff therefore prays that your Lordship will proceed to declare that the said marriage is null and void.

No. IV.

Form of Answer to No. III.

The day of 1900.

A. B.

vs.

C. D.

1. That I, the defendant, did consummate the said marriage so solemnized, and that the defendant was at the time of the said marriage, and from thence hitherto hath been and still is apt for coition, as will appear on inspection.

Wherefore the defendant humbly prays that your Lordship will be pleased to reject the said petition and decree, &c.

No. V.

Application for Alimony.

To

THE JUDGE OF THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY.

C. B.

vs.

A. B.

The day of 1900.

The application of *C. B.*, defendant, the lawful wife of *A. B.*, sheweth:—

1. That the said plaintiff *A. B.* has for many years carried on the business of at , and from such business derives the net annual income of Rs.

2. That the said plaintiff *A. B.* holds shares of the Railway Company amounting in value to Rs. and yielding a clear annual dividend to him of Rs.

3. That the said plaintiff *A. B.* is possessed of made in his said business of to the value of Rs. (and so on for any other property, moveable or immoveable, the husband may possess).

The defendant therefore humbly prays that your Lordship will be pleased to allow her such sum or sums of money by way of alimony *pendente lite* (or permanent alimony) as to your Lordship shall seem meet.

Table of Fees.

The following fees only shall be allowed in cases tried under Act XV of 1865:—

	Rs.	a.	p.
For every plaint	20	0	0
For every other document	0	8	0
For issuing every summons and subpœna	1	0	0
For drawing and engrossing every decree or order ...	5	0	0
For sealing every document	1	0	0
For administering oath	1	0	0
For serving process	0	8	0
For attendance of Attorney or Pleader (when an Advocate is not instructed) on the day of presenting plaint or written statement	45	0	0
For attendance at settlement of issues (if not settled at the hearing of the suit) or hearing of any contested motion:			
For Advocate	60	0	0
For Attorney or Pleader without Advocate	45	0	0
For Attorney or Pleader with Advocate	30	0	0

	Rs.	a.	p.
For attendance at hearing of suit on first day:			
For Advocate	75	0	0
For Pleader or Attorney	60	0	0
For Pleader or Attorney with Advocate	45	0	0
For attendance for each succeeding day:			
For Advocate	60	0	0
For Attorney or Pleader	45	0	0
For Attorney or Pleader with Advocate	30	0	0
For taxing Bill of Costs	4	0	0
Costs of Execution	15	0	0
For allowing search in the proceedings	1	0	0
Charges for Professional witnesses:			
Brigade Surgeon	100	0	0
Surgeon-Major	75	0	0
Surgeon	50	0	0
Assistant Surgeon over 20 years' standing	50	0	0
Assistant Surgeon under 20 years' standing	25	0	0

Costs of necessary translations will also be allowed.

Costs between party and party will be taxed by the Clerk of the Court.

RULES AND ORDERS UNDER ACT XXV OF 1867.

PRINTING PRESSES AND BOOKS.

DIRECTING THE PLACES AT WHICH, AND THE OFFICERS TO WHOM, THE DELIVERY OF BOOKS SHALL BE MADE BY PRINTERS.

Notn. No. 994, General, dated 16th March 1891, B. G. G., 1891, Pt. I, p. 254.

In exercise of the powers conferred by section 9 of Act XXV of 1867, as amended by Act X of 1890, and in supersession of the directions contained in the Notification published under the said section in the *Bombay Government Gazette* for 1868, page 93, His Excellency the Governor in Council is pleased to direct that the places and officers at which and to whom the delivery of books by printers in accordance with the said section shall be made, shall be as follows:—

In the case of books issuing from a Press situated in the Town or Island of Bombay.

At the office of the Collector of Land Revenue, Customs and Opium, Bombay, and to the Collector of Land Revenue, Customs and Opium, Bombay.

In the case of books issuing from a Press situated elsewhere.

At the head-quarter station of the Collector of the district in which the Press issuing the book is situated, and to the Collector of that district.